



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

FEB 20 2003

G.J. Staartjes, President
Holchem, Inc.
for Holchem, Inc.
13546 Desmond St.
Pacoima, CA 91331

Re: Request for Information
Omega Superfund Site
Whittier, CA

Dear G.J. Staartjes:

A General Notice Letter was previously issued by the United States Environmental Protection Agency ("EPA") that provided notice of your potentially liability under the Comprehensive Environmental Response Compensation Liability Act (CERCLA), as amended, at the Omega Chemical Superfund Site (the "Site"). The General Notice Letter also provided manifest information and the volume attributed to you and requested that you notify EPA in writing if you concluded the volume attributed to you was incorrect. The EPA has received and reviewed your written challenge and determined that additional information is required. Therefore, the purpose of this letter is to request additional information in order to complete this review.

We request that you provide a complete and truthful response to this Information Request and attached questions (Enclosure B) within fifteen (15) calendar days of your receipt of this letter. Without a timely submission of this additional information, EPA will disregard the basis of your allocatable contribution challenge. Thus, we encourage you to give this matter your immediate attention or waive your previously submitted challenge.

Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §9604(e), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to

a vessel or facility.

(B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

(C) Information relating to the ability of a person to pay for or perform a cleanup.

Please note that your compliance with this Information Request is mandatory. Failure to respond fully and truthfully may result in enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5). This statutory provision authorizes EPA to seek the imposition of penalties of up to \$27,500 per day of noncompliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. §1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1). See also, 5 C.F.R. §§1320.3(c), 1320.4, and 1320.6(a). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §3502(4), (11); 5 C.F.R. §§1320.4 and 1320.6(a).

Instructions on how to respond to the questions are described in Enclosure A. Please return your written response to this request for information, signed by you or a duly authorized official of your company, within **fifteen (15) calendar days** of receipt of this letter. Please direct your response to:

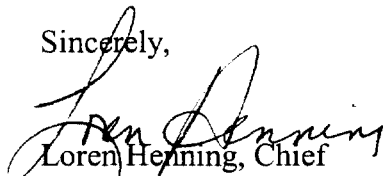
Linda Ketellapper, SFD-7-B
U.S. Environmental Protection Agency, Region IX
Superfund Division
75 Hawthorne Street,
San Francisco, California 94105

Your response should include the appropriate name, address, and telephone number for the person to whom EPA should direct future correspondence in regard to this matter on behalf of your company.

If you have questions regarding this information request, please contact Thanne Cox, the Assistant Regional Counsel, at 415-972-3908.

We appreciate and look forward to your prompt response to this information request.

Sincerely,



Loren Henning, Chief
Site Cleanup Section Four
Superfund Division

Enclosures (2)

cc: Thanne Cox, EPA ORC
Linda Ketellapper, EPA
Richard Montevideo, Rutan & Tucker

ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

Instructions:

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. When answering the questions in Enclosure B, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
5. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of your company, its attorneys, consultants or any of their agents, consultants or employees.
8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F. R. §2.203(b). If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:
 1. clearly identify the portions of the information alleged to be entitled to confidential treatment;
 2. the period of time for which confidential treatment is desired (e.g., until a certain date, until

the occurrence of a specific event, or permanently);

3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

9. Disclosure to EPA's Authorized Representatives. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40.C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. The authorized representatives of EPA to which EPA may disclose information contained in your response are as follows:

1. Arctic Slope Regional Corp.
EPA Contract Number 68-W-R9-0101
2. Department of Toxic Substances Control/California
Environmental Protection Agency
3. Science Applications International Corporation
EPA Contract Number 68-S9-00-10

Any subsequent additions or changes in EPA contractors who may have access to your response to this Information Request will be published in the Federal Register.

This information may be made available to these authorized representatives of EPA for any of the following reasons: to assist with document handling, inventory, and indexing; or to assist with document review and analysis for verification of completeness; or to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. §2.310(h), you may submit comments on EPA's disclosure of any confidential information contained in your response by EPA to its authorized representatives along with the response itself, within the fifteen (15) calendar day period in which the response is due.

10. Objections to Questions. If you have objections to some or all of the questions contained in the Information Request letter, you are still required to respond to each of the questions.

Definitions:

1. The term "you" or "Respondent" should be interpreted to include the addressee of this Information Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns and agents.
2. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, joint venture, or other entity.
3. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge.
4. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
5. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
6. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
7. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA and include any mixtures of such pollutants and contaminants with any other substance including petroleum products.
8. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site including, but not limited to, all hazardous substances, pollutants or contaminants.
9. The term "documents" includes any written, recorded, computer generated or visually or

aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.

ENCLOSURE B: QUESTIONS

1. Please provide a copy of each of the Department of Toxic Substances Control ("DTSC") manifests that you believe should not be allocated to Holchem.
2. Please provide a completed copy of Exhibit A and a copy of Exhibit E to the Agreement for Sale of Assets between To-Be-Le, Inc. and Holchem, Inc.
3. Describe the nature of To-Be-Le's (seller's) business and the nature of Holchem's (buyer's) business, including whether the buyer held itself out to the public as the same entity as the seller.
4. Identify all plant processes, manufacturing methods and/or procedures that were in effect prior to the asset acquisition that were discontinued after the acquisition of the assets. For all discontinued activities identify when the activities were discontinued.
5. Describe all products and services provided to customers prior to the asset acquisition that were discontinued after the acquisition.
6. Identify the managers of To-Be-Le's business and the managers of Holchem's business operating at 1341 East Maywood, Santa Ana, California for one year prior and one year after the asset acquisition.
7. List the names of the officers, directors, and majority shareholders for the seller and the buyer.
8. List the names and former positions or titles of any of the seller's employees, shareholders, officers or directors that served as a consultant, or in a consulting capacity to buyer after the transaction. Describe in detail the nature of the consulting relationship. Provide copies of any related contracts and/or agreements.
9. Identify the number of people working at 1341 Maywood Ave., Santa Ana, CA one year before the sale and one year after the sale. Identify all To-Be-Le employees who were subsequently employed by Holchem. Identify them by name, position held prior to and subsequent to sale, current or last known address and telephone number. Include dates of employment at Holchem for these individuals.
10. Please provide a brief history of Holchem's corporate status and structure, including date of incorporation, merger and acquisition history, parent and subsidiary relationships, and predecessor and successor information.
11. Please identify those individuals who assisted in the preparation of this information response. For each individual, provide the following: name, current or last known address and telephone number, dates of employment and current and former job titles.
12. If you have any reason to believe that there may be persons able to provide a more detailed or complete response to any part of this information request or who may be able to provide additional responsive documents, please identify such persons, including their last known

addresses and telephone numbers.

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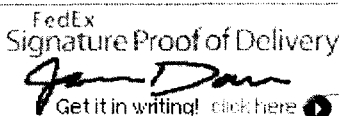
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Track Shipments

Detailed Results

Quick Help

Tracking Number 478253988857
Reference Number 06-5026-08-0332-136 SAIC
Ship Date 02/20/2003
Delivered To Receipt/Frnt desk
Delivery Location PACOIMA CA
Delivery Date/Time 02/22/2003 10:38
Signed For By A.VELASQUEZ
Service Type Priority Envelope

Tracking Options

- Obtain a Signature Proof of Delivery
- Email these tracking results to one or more recipients
- Track More Shipments

Scan Activity	Date/Time	Comments
Delivered/PACOIMA CA	02/22/2003 10:38	
On FedEx vehicle for delivery/SANTA FE SPRINGS CA	02/22/2003 09:16	
Arrived at FedEx Destination Location/SANTA FE SPRINGS CA	02/22/2003 07:46	
Left FedEx Sort Facility/LOS ANGELES CA	02/22/2003 04:32	
Arrived at Sort Facility/LOS ANGELES CA	02/21/2003 20:40	
Left FedEx Origin Location/SUN VALLEY CA	02/21/2003 18:57	
Package status/SUN VALLEY CA	02/21/2003 11:19	Package in FedEx location
Delivery attempt/PACOIMA CA	02/21/2003 08:27	Incorrect address
On FedEx vehicle for delivery/SUN VALLEY CA	02/21/2003 08:26	
Arrived at FedEx Destination Location/SUN VALLEY CA	02/21/2003 07:17	
Arrived at Sort Facility/LOS ANGELES CA	02/21/2003 03:31	
Left FedEx Sort Facility/OAKLAND CA	02/21/2003 03:09	
Left FedEx Sort Facility/LOS ANGELES CA	02/21/2003 03:03	

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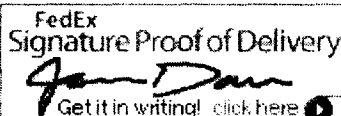
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Track Shipments

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Tracking Number 478253988846
Reference Number 06-5026-08-0332-136 SAIC
Ship Date 02/20/2003
Delivered To Mailroom
Delivery Location COSTA MESA CA
Delivery Date/Time 02/21/2003 09:00
Signed For By S.TIMOTHY
Service Type Priority Envelope

Tracking Options

- Obtain a Signature Proof of Delivery
- Email these tracking results to one or more recipients
- Return to Summary Results
- Track More Shipments

Scan Activity

Delivered/COSTA MESA CA

On FedEx vehicle for delivery/COSTA MESA CA

Arrived at FedEx Destination Location/COSTA MESA CA

Arrived at Sort Facility/LOS ANGELES CA

Left FedEx Sort Facility/OAKLAND CA

Left FedEx Sort Facility/LOS ANGELES CA

Left FedEx Origin Location/OAKLAND CA

Left FedEx Origin Location/OAKLAND CA

Arrived at Sort Facility/OAKLAND CA

Picked up by FedEx/OAKLAND CA

Date/Time**Comments**

02/21/2003 09:00

02/21/2003 08:28

02/21/2003 08:06

02/21/2003 03:31

02/21/2003 03:09

02/21/2003 03:03

02/20/2003 20:54

02/20/2003 19:42

02/20/2003 18:34

02/20/2003 17:16

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To

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